

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
July 27, 2015
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, July 27, 2015 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present

Mayor Smith indicated for the record that Commissioners Elsaesser and Ellison were present. Commissioners Haque-Hausrath and Haladay were excused. City Manager Ron Alles, City Attorney Thomas Jodoin and Deputy City Clerk Robyn Brown were present.

Pledge of Allegiance

Mayor Smith asked those persons present to please stand and join him in the pledge of allegiance.

Minutes

The minutes of the regular City Commission meeting of July 13, 2015 were approved as submitted.

Consent Agenda

CONSENT AGENDA:

- A. Claims
- B. Professional Services Contract for Design of the Ten Mile Transmission Main Project.
- C. Final passage of Ordinance #3211 amending the official zoning map for a zone change from an R-2 (Residential) District to an R-3 (Residential) District; for property legally described as Lot 1 in Block 21 of the Nob Hill Subdivision in the City of Helena, Montana; with a property address of 3187 Cabernet Drive.
Ord #3211
- D. Resolution of intention to levy an assessment for and approve the proposed work plan and budget of the Business Improvement District (BID) for fiscal year 2016 and set a public hearing date. **Res #20180**
- E. Resolution of intention to levy an assessment for and approve the proposed work plan and budget of the Tourism Business Improvement District (TBID) for fiscal year 2016 and set a public hearing date. **Res #20181**
- F. Resolution of intention to establish charges for collection and disposal of residential garbage and refuse in the City of Helena, Montana, for fiscal year 2016 and set a public hearing date.
Res #20182
- G. Resolution of intention to levy assessments for fiscal year 2016 for improvements made to properties in the Sidewalk Improvement Districts and set a public hearing date. **Res #20183**
- H. Resolution of intention to levy and assess a tax on all properties in Special Improvement Districts to defray the cost of maintaining improvements for fiscal year 2016 and set a public hearing date. **Res #20184**
- I. Resolution of intention to amend the boundaries and levy an assessment upon all property in the Storm Water Utility District for fiscal year 2016 and set a public hearing date. **Res #20185**
- J. Resolution of intention to specify the assessment option and levy an assessment upon all property in the Landfill Monitoring and Maintenance District for fiscal year 2016 and set a public hearing date. **Res #20186**
- K. Resolution of intention to levy an assessment upon all property in the Urban Forest Management District for fiscal year 2016 and set a public hearing date. **Res #20187**

- L. Resolution of intention to specify the assessment option, amend the boundaries and levy and assess the annual charge for Street Maintenance District #1 for fiscal year 2016. **Res #20188**
- M. Resolution of intention to levy an assessment upon all property in the Special Street Lighting Districts to defray the costs of installing and maintaining improvements for fiscal year 2016 and set a public hearing date. **Res #20189**

City Manager Ron Alles recommended approval of the claims and the consent agenda.

Commissioner Elsaesser requested items B and J be removed for discussion.

Public comment Mayor Smith asked for public comment, none was received.

Motion **Commissioner Elsaesser moved approval of items A, C through I, and K through M on the consent agenda.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

Item B B. Professional Services Contract for Design of the Ten Mile Transmission Main Project.

Discussion Commissioner Elsaesser referred to previous discussion held regarding damage to the water mains on private property that are proposed for repair and asked for additional information.

City Engineer Ryan Leland explained the damage was done during a Rimini water and sewer system installation project, approximately 6 years ago. City staff reviewed the option of going directly through the RV Ranch; however, the consultant indicated the proposed re-routing, which is next to other utilities and will be better protected, will not substantially increase costs. Commissioner Elsaesser asked if the increased cost will be less than 5% of the project cost. Engineer Leland stated yes.

Public comment Mayor Smith asked for public comment, none was received.

Motion **Commissioner Elsaesser moved approval of item B on the consent agenda.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

Item J J. Resolution of intention to specify the assessment option and levy an assessment upon all property in the Landfill Monitoring and Maintenance District for fiscal year 2016.

Discussion Commissioner Elsaesser expressed support for Item J and spoke to the importance of monitoring methane distribution and possible environmental concerns related to toxins from the landfill. He commended City staff for their diligence toward identification and remediation of any issues.

Public comment Mayor Smith asked for public comment, none was received.

Motion **Commissioner Elsaesser moved approval of item J on the consent agenda.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

Bid Award

BID AWARD:

- A. Parks Department/Tree Maintenance Division - one (1) new 2016 truck chassis (single axle) with one (1) ariel lift with chip box

Staff Report

Parks Superintendent Craig Marr reported one bid was received for one new 2016 Freightliner with an Altec Forestry lift and body. The bid was received from Altec Industries of Birmingham, Alabama in the amount of \$170,644.00. This new purchase will replace a 1994 Ford Lift-All bucket truck (Unit #517). The FY2016 budget appropriation for this unit is \$190,000.00.

Superintendent Marr recommended the purchase of this unit to allow the City to continue to provide tree trimming operations with reliable equipment and reduced maintenance costs over the projected 20 year replacement of the equipment. He added the acquisition could increase productivity by potentially allowing two crews on the ground if the existing bucket truck can be kept in use.

Discussion

Commissioner Elsaesser asked if this bid was noticed in ways other than direct solicitation. Superintendent Marr stated the bid was advertised according to City policy/procedure through the Street/Traffic/Fleet Division.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Ellison moved approval to award the bid for one (1) new 2016 Freightliner with Altec Forestry lift and body for the City Parks/Tree Maintenance Department to Altec Industries in the amount of \$170,644.00. Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Elsaesser referred to the maximum number of free trips for permit holders to the Transfer Station, in relation to the recent Transfer Station fee resolution passed by the City Commission. He formally requested exploring the cost of resetting those trips to 30 until the end of this calendar year and then 30 until the end of Fiscal Year 2016. He indicated once the entire Commission is present he would like to formally direct the City Manager to investigate the cost to reset the trip numbers and examine how to provide more value for permit holders and not limit their service.

Commissioner Elsaesser reported the Transportation Coordinating Committee has been discussing how to allocate urban funds; he wanted the Commission to be aware and suggested using those funds be used on West Main, Cruse, Benton, Airport Road and several other streets/projects.

Commissioner Elsaesser expressed concern, for the record, that a second public hearing was not held on the Long Range Transportation Plan. He commented since this hearing was not held, it resulted in many comments not being included in the plan. He stated the issue of expansion of the traffic light at Livingston to aid congestion in the area was never discussed or included in the plan.

Commissioner Ellison spoke of the Last Chance Stampede & Fair held over the past weekend. He commended the community spirit and participation in every aspect of the event, which made it a great success. He noted that City and County Board/Council and Committee

volunteers were recognized for their service with free tickets to Thursday night's rodeo and thanked them for their work.

Mayor Smith concurred with Commissioner Ellison's comments and stated he hoped the City and County's volunteers enjoyed the event.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

No report was given.

Report of the City Manager

REPORT OF THE CITY MANAGER

City Manager Alles reported the Helena Fire Department (HFD), thanks to the efforts of Chief Sean Logan, Assistant Chief Kelly Tuck, Assistant Chief Ken Wood and Strategic Planning Manager Keith Simendinger, was successful in being awarded a new fire truck from the Department of Homeland Security, valued at \$409,000. He noted the Commission will need to formally accept the award within the next 30 days.

Report from the Helena Citizens Council

REPORT FROM THE HELENA CITIZENS COUNCIL

No report was given.

Regular Items

REGULAR ITEMS:

A. CONSIDER A SIDEWALK VARIANCE FOR 1641 HAUSER.

Staff Report

City Engineer Leland reported the property at 1641 Hauser is a vacant lot that has recently been annexed into the City of Helena. The property is adjacent to Hauser Boulevard to the north which is a City standard street with curb and gutter. The property is also adjacent to Glendale Street to the west which is not built to City standards and has no curb and gutter.

The owners of the property, Jay and Sandra Whitney, are requesting a sidewalk variance to defer the installation of sidewalk and ADA ramps until such time as the adjacent streets are brought up to City Standards and/or an SID is created. The applicant is willing to sign a waiver of protest to a SID. He explained the applicants are requesting the proposed variance to be able to sell the lot with the variance attached; there is currently no building permit application in process for the property. Engineer Leland noted staff had no recommendation on the proposal.

Discussion

Commissioner Elsaesser asked if the property would be able to be subdivided. Engineer Leland stated possibly, noting both a building permit and/or subdivision would trigger sidewalk installation.

Commissioner Ellison asked if annexation of this parcel triggered the sidewalk requirements. Engineer Leland stated no, the applicants are requesting the variance so they can market the lot with an approved variance.

City Attorney Jodoin expressed concern for the request since there is no triggering mechanism to request the variance. It is basically a blanket exemption from installing a sidewalk and if granted, the Commission is effectively giving away its ability to potentially order in sidewalks whenever appropriate. He recommended the Commission wait until sidewalks are ordered in via a building permit or subdivision of the property before acting on any variance request.

Commissioner Ellison asked if the Commission could require a condition of approval to protect the City's interest in sidewalks at the time of future development. Attorney Jodoin stated no.

Public comment Mayor Smith called for public comment; none was received.

Motion **Commissioner Elsaesser moved to deny a sidewalk variance to defer the installation of sidewalk and ADA ramps at 1641 Hauser until such time as the adjacent streets are brought up to City Standards or a SID is created.** Commissioner Ellison seconded the motion.

Comment Commissioner Elsaesser expressed concern that approving the proposed variance would set a precedent, and the lack of sidewalks is a major issue on the Westside. He commented he believes there should be a condition attached to all sidewalk variances that would trigger installation if adjoining properties are required to install sidewalks. Commissioner Ellison indicated he would vote to deny the variance, as the City is not requiring their installation at this time. He too commented this would set a precedent. Mayor Smith concurred with Commissioner Ellison.

Vote All voted aye, motion carried.

B. CONSIDER A RESOLUTION OF INTENTION TO AMEND THE BOUNDARIES AND LEVY AN ASSESSMENT UPON ALL PROPERTY IN THE OPEN SPACE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2016 AND SET A PUBLIC HEARING DATE.

Per a request from Commissioner Haque-Hausrath, it was announced this item would be tabled in her absence.

Public comment Mayor Smith called for public comment; none was received.

Motion **Commissioner Ellison moved to table a resolution of intention to amend the boundaries and levy and assessment upon all property in the Open Space Maintenance District No.1 for fiscal year 2016 to August 10, 2015.** Commissioner Elsaesser seconded the motion. All voted aye, motion carried.

Public Hearings PUBLIC HEARINGS:
A. CONSIDER A RESOLUTION TO AMEND SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 222 TO ALTER THE BOUNDARIES AND ADD SEVENTEEN (17) LIGHTS.

Staff Report Acting Administrative Services Director Glenn Jorgenson reported the City Commission approved a resolution of intention to amend special improvement lighting district (SILD) No. 222 on June 29th.

The current district includes all of Antelope Trace and Craftsman Village of Crossroads at Mountain View Meadows except Craftsman Village Phase 2 approved in March 2015. This amendment will increase the boundaries to include Alexis Avenue (Craftsman Village Phase 2), adjacent City park land, and property along South Alice Street that benefit from the new lights. The entire SILD, including the proposed amended area, has Lexington Colonial luminaries with 100-watt, high-pressure, sodium vapor lamps. These lights comply with the City's dark-skies lighting ordinance.

Staff advertised twice in the Independent Record and sent notices to all properties within the proposed amended district. No protests were received by the affected property owners.

Acting Director Jorgenson recommended the SILD be amended to add properties benefitting from 17 additional lights and pay the additional costs. The additional cost is anticipated to be \$6,634 for the first year with a total cost of \$37,923. This amendment will lower the cost per square foot of property for the current SILD property owners as more square feet of land per light is being added. The cost without amending the district was calculated to be \$.0221 per square foot, and \$.0171 per square foot if amended.

The current SILD property owners will benefit from having a more equitable distribution of the cost of the lights that benefit all property owners. They receive a benefit from the new lights as they help light a main arterial street into the subdivisions and the recently developed City park.

Discussion

Commissioner Elsaesser asked who initiated the proposal to amend the lighting district. Acting Director Jorgenson stated the developer, R & D Partners, LLC.

Commissioner Elsaesser asked if the lights to be installed are dark-skies compliant. Acting Director Jorgenson stated yes.

Public Testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

There being no persons wishing to address the Commission, Mayor Smith closed the public hearing.

Motion

Commissioner Ellison moved approval of a resolution to amend SILD No. 222 to alter the boundaries and add seventeen (17) lights. Commissioner Elsaesser seconded the motion. All voted aye, motion carried. **Res #20190**

**Public
Communications**

PUBLIC COMMUNICATIONS

No public communications were given.

**Meetings of
Interest**

MEETINGS OF INTEREST

The next Administrative Meeting is August 5, 2015 and the next Commission Meeting is August 10, 2015. The City/County Joint Work Session will be held August 6, 2015.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:42 p.m.

/S/ JAMES E. SMITH

Mayor James E. Smith

ATTEST:

/S/ DEBBIE HAVENS

Clerk of the Commission